

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CLIFFORD D. JACKSON III,)	CASE NO. 4:23-cv-897
)	
)	
PLAINTIFF,)	JUDGE SARA LIOI
)	
vs.)	ORDER OF CASE DISMISSAL
)	
WARDEN RICHARD BOWEN, <i>et al.</i> ,)	
)	
)	
DEFENDANTS.)	

This is a civil rights case brought under 42 U.S.C. §1983, in which plaintiff, Clifford D. Jackson III (“Jackson”) has sued thirty-two defendants and demands judgment of \$19 million. (*See* Doc. No. 1 (Complaint).)

I. BACKGROUND

Jackson filed his complaint on May 1, 2023, seeking to proceed *in forma pauperis*. But because he is a frequent frivolous filer barred from proceeding *in forma pauperis* in federal court, he was ordered to pay the filing fee in order to proceed with the case. He was also ordered, over four months ago, to serve the defendants in accordance with Fed. R. Civ. P. 4. (*See* Doc. No. 8 (Order Granting Motion to Re-Open Case).) When no indication of service appeared on the docket, the Court issued another order on December 4, 2023, directing Jackson to show cause why his case should not be dismissed for want of prosecution. (Doc. No. 12 (Order Directing Plaintiff to Show Cause).)

II. DISCUSSION

Jackson has filed a “Judicial Notice” in response to the Court’s order, stating that his case

should not be dismissed because he has served the defendants “by way of overnight federal express mail.” (Doc. No. 13 (Judicial Notice), at 1.) But, once again, no indication of valid service appears on the docket. Nor does Jackson’s notice demonstrate that he has properly served the defendants. Under all of the circumstances, it is manifestly clear to the Court that Jackson has no real intent or prospect of properly effectuating service of process in the case. It is therefore entirely appropriate that the case be dismissed for want of prosecution. *See Knoll v. American Tel. & Tel. Co.*, 176 F.3d 359, 363 (6th Cir. 1999) (explaining that dismissal for failure to prosecute is “available to the district court as a tool to effect management of its docket and avoidance of unnecessary burdens on the tax-supported courts [and] opposing parties”) (internal quotation marks and citation omitted); *see also Vink v. Natole*, No. 21-12804, 2023 WL 4396478, at *2 (E.D. Mich. April 20, 2023) (noting that “[m]any courts have dismissed cases for failure to prosecute when a plaintiff has failed to serve process”), Report and Recommendation adopted, 2023 WL 4372676 (E.D. Mich. July 6, 2023).

III. CONCLUSION

Accordingly, Jackson’s notice, or motion to show cause (Doc. No. 13), is hereby denied, and this case is dismissed without prejudice for want of prosecution. The Court further certifies that an appeal from this decision could not be taken in good faith and shall not be allowed without timely payment of the required fee.

IT IS SO ORDERED.

Dated: January 2, 2024



HONORABLE SARA LIOI
CHIEF JUDGE
UNITED STATES DISTRICT COURT